

TWELFTH DAY.

Senate Chamber,
Austin, Tex., Tuesday, Jan. 26.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Bailey.	Linn of Wharton.
Bowser.	Morriss.
Burns.	Neal.
Colquitt.	Rogers.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.

Absent.

Beall.	Presler.
Boren.	Yett.

Excused.

Atlee.	Ross.
Greer.	Yantis.

Linn of Victoria.

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday,

On motion of Senator Woods, the same was dispensed with.

On motion of Senator Bowser, Senator Neal was excused from attendance upon the Senate on Monday on account of important business.

On motion of Senator Bowser, Senator Presler was excused from attendance upon the Senate for today (Tuesday), on account of sickness.

On motion of Senator Bailey, Senators Stafford and Rogers were excused from attendance upon the Senate on Monday, on account of important business.

On motion of Senator Burns, Senator Linn of Wharton was excused for Saturday and Monday last, on account of important business.

On motion of Senator Wayland, Senator Stone was excused from attendance upon the Senate on Monday, on account of important business.

COMMITTEE REPORTS.

Committee Room.

Austin, Texas, Jan. 26, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 12, a bill to be entitled "An act making an appropriation to defray the contingent expenses of the Twenty-fifth Legislature."

And find the same correctly enrolled, and have this day, at 11:15 a. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room.

Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 6, a bill to be entitled "An act to prescribe the time when suits for personal injuries and injuries resulting in death shall be instituted, and to fix the period of limitation in such actions,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room.

Austin, Texas, Jan. 26, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared

Senate bill No. 22, a bill to be entitled "An act to amend title 17, chapter 3, of the Penal Code of the State of Texas, by adding article 794a after article 794 of said chapter, for the purpose of preventing stock from running at large in counties, districts and subdivisions of counties where stock are forbidden by law from running at large, and to provide a penalty therefor,"

And find the same correctly engrossed.

GOUGH, Chairman.

BILLS AND RESOLUTIONS.

By Senator Woods:

Senate bill No. 101, a bill to be entitled "An act to amend article 879 of title 17, chapter 2, of the Penal Code of the State of Texas."

(In regard to theft from the person.) Read first time and referred to Judiciary Committee No. 2.

By Senator Goss:

Senate bill No. 102, a bill to be entitled "An act to repeal articles 513b, 513c, 513d and 520, chapter 5, title 13, of the Penal Code of the State of Texas, and to amend articles 510, 511, 512, 513, 514, 515, 516, 517 and 518 of said chapter and title, and to further

amend said chapter by adding thereto articles 517a, 518a, 518b, 518c, 518d, 518e, 518f and 518g, relating to the protection of fish, birds and game; and to repeal all laws and parts of laws in conflict therewith."

Read first time and referred to Judiciary Committee No. 2.

By Senator Colquitt:

Resolved by the Senate, the House of Representatives concurring, that a joint committee on judicial districts of the two houses, said committee to be composed of seven members to be selected from the Committees on Judicial Districts of the two houses, be appointed, and that said joint committee be instructed to prepare a bill redistricting the State into judicial districts, and report same back to each house at the earliest day practicable.

Resolution read, and on motion of Senator Burns, adopted.

UNFINISHED BUSINESS.

The Chair laid before the Senate

Senate bill No. 31, a bill to be entitled "An act to amend article 838 of chapter 6, title 17, of the Penal Code of the State of Texas, defining the crime of burglary,"

Action being on Senator Tillett's amendment, to-wit: Amend by striking out in lines 12 and 13 "at night, or in like manner by entering a house at any time."

The amendment was withdrawn.

The bill was then ordered engrossed.

SPECIAL ORDER.

The Chair laid before the Senate, on third reading,

Senate bill No. 42, a bill to be entitled "An act to amend chapter 3 of title 40, of the Revised Civil Statutes of Texas, by adding thereto article 2293a, relating to the deposition of parties."

The bill having been read third time (see Journal of Jan. 22), action was on its final passage.

By Senator Lewis:

Amend by adding after the word "officer," in line 9, engrossed bill, the following, "agent or employe."

Adopted.

By Senator Tillett:

Amend by inserting after the word "corporation," in line 26, the words "or who were such officers, agents or employes at the time the contract was entered into or act was committed forming the basis of the cause of action."

Adopted.

Senator Dibrell moved to reconsider the vote by which the amendment was adopted.

Reconsidered.

The amendment was then lost.

The bill was then passed.

The Chair gave notice of signing, and did sign after the caption had been read.

Senate bill No. 12, a bill to be entitled "An act making an appropriation to defray the contingent expenses of the Twenty-fifth Legislature."

HOUSE MESSAGE.

The following message from the House was received:

Hall House of Representatives,
Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 104, a bill to be entitled "An act to amend article 5043k of the Revised Statutes of 1895, relating to the Live Stock Sanitary Commission and the movement of live-stock thereunder."

House bill No. 3, a bill to be entitled "An act to make an appropriation to pay mileage and per diem of Presidential Electors of Texas."

House bill No. 109, a bill to be entitled "An act to amend articles 1815 and 1816 of title 37 of the Revised Statutes of 1895 of the State of Texas, relating to the time and manner of making returns to the Secretary of State of election of electors for President and Vice President, and of estimating the same, and of the meeting of the electors."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

IN SENATE.

House bill No. 3, a bill to be entitled "An act to appropriate money to pay mileage and per diem of presidential electors."

Read first time and referred to Committee on Finance.

House bill No. 104, a bill to be entitled "An act to amend article 5043k of the Revised Statutes of 1895, relating to the Live Stock Sanitary Commission and the movement of live-stock thereunder."

Read first time and referred to Committee on Stock and Stockraising.

House bill No. 109, a bill to be entitled "An act to amend articles 1815 and 1816 of title 37 of the Revised

Statutes of 1895 of the State of Texas, relating to the time and manner of making returns to the Secretary of State of election of electors for President and Vice President, and of estimating the same, and of the meeting of the electors."

Read first time and referred to Judiciary Committee No. 1.

At the direction of the Chair, the following communications were read:

Office of Commissioner of Agriculture, Insurance, Statistics and History.

Austin, Tex., Jan. 20, 1897.

To the Honorable Members of the Senate and House:

No doubt you are aware of the omission from the Revised Statutes of section 6 of the act of March 2, 1889, which provided for the payment of assessors for gathering crop statistics. When this omission was discovered by this department, the assessors were notified of the fact; but as they had already commenced work in good faith, and many of them had completed their work, I stated to them that if each and every assessor without exception would complete as heretofore his returns for 1895 and send same in, so that the report of the Department might be completed as formerly, I hoped that the Legislature would recognize the justness of making provision to pay for work actually done. I trust, therefore, that you will see your way clear to make such provision. Very respectfully,

A. J. ROSE, Commissioner.

Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate.

In the Board of Trade Hall, next Monday night, February 1, at 8 p. m., I will recite Shakespeare's tragedy of King Richard III, impersonating the leading characters therein.

Permit me to extend to you, and through you to the Senate, an invitation to attend the same. Very respectfully, ROBT. J. BROWN.

BILLS ON THIRD READING.

The Chair laid before the Senate

Senate bill No. 14, a bill to be entitled "An act to amend articles 4978, 4983, 4986, 4987, 4990, 4991, 4992, 4993 and 4996, of title CII, chapter 5, Revised Civil Statutes of Texas."

Bill read third time.

By Senator Goss:

Amend article 4996 as follows:

"Article 4996. After the adoption of a partial stock law in any county or

subdivision, a lawful fence within such county or subdivision shall consist of four barbed wires tightly stretched and securely fastened to substantial posts well and firmly set in the ground, the top wire to be not less than four and one-half feet nor more than five feet high, and the openings between such wires not to exceed fifteen inches, and the posts to be set not less than sixteen feet apart or not exceeding twenty-five feet apart, with at least one stay between posts; and after the adoption of the stock law prohibiting the running at large of stock mentioned in article 4978 in any county or subdivision, no person within such county or subdivision shall be required to fence against stock not permitted to run at large."

Pending action,

Senator Goss moved to postpone further consideration and to make the bill special order for Thursday, after morning call.

Senator Colquitt moved as a substitute that the bill be recommitted.

Senator Goss accepted the substitute.

Senator Colquitt withdrew his motion to recommit.

Senator Goss renewed his motion to postpone, and make special order for Thursday after morning call.

Carried.

The Chair then laid before the Senate

Senate bill No. 6, a bill to be entitled "An act to prescribe the time when suits for personal injuries and for injuries resulting in death shall be instituted, and to fix the period of limitation in such action."

Bill read third time and passed.

The Chair laid before the Senate

Senate bill No. 22, a bill to be entitled "An act to amend title 17, chapter 3, of the Penal Code of the State of Texas, by adding article 794a after article 794 of said chapter, for the purpose of preventing stock from running at large in counties, districts and subdivisions of counties where stock are forbidden by law from running at large, and to provide a penalty therefor."

Bill read third time.

By Senator Harrison:

Amend by substituting, in line 19, "twenty-five dollars" for "one hundred dollars."

Lost.

The bill was then passed by the following vote:

Yeas—19.

Bailey.	Neal.
Burns.	Rogers.
Colquitt.	Stafford.
Darwin.	Stone.
Dibrell.	Terrell.
Goss.	Tillett.
Kerr.	Turney.
Lewis.	Wayland.
Linn of Wharton.	Woods.
Morriss.	

Nays—2.

Gough.	Harrison.
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Absent.

Beall.	Bowser.
Boren.	Yett.

Excused.

Atlee.	Presler.
Greer.	Ross.
Linn of Victoria.	Yantis.

BILLS ON SECOND READING.

The Chair laid before the Senate Senate bill No. 15, a bill to be entitled "An act to amend article 2601, chapter 6, title 51, of the Revised Civil Statutes of the State of Texas."

The bill was read second time with committee amendments.

The committee amendments were adopted and the bill was ordered engrossed.

The Chair laid before the Senate

Senate bill No. 16, a bill to be entitled "An act to amend article 1942 of chapter 8, title 39, of the Revised Statutes of the State of Texas of 1895."

Bill read second time, with the following committee amendments:

Amend—

First. By adding to the caption, "Relating to bonds of administrators and executors and sureties thereon."

Second. By adding to section 1 the following: "And provided further, that the county judge shall not accept or approve any bond signed by any such corporation as surety, unless such corporation has complied with all the provisions of title XXI, chapter 16, Revised Civil Statutes of Texas, or other laws governing such corporations."

Third. By adding to section 1, after the word "State," in line 5, on the second page, "or foreign corporations permitted to do business in this State."

Fourth. By striking out section 2.

Pending action, by unanimous consent,

Senator Turney submitted the following committee report:

Committee Room,

Austin, Texas, Jan. 26, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Stock and Stock-raising, to whom was referred

House bill No. 104, a bill to be entitled "An act to amend article 5043k of the Revised Statutes of 1895, relating to the Live Stock Sanitary Commission and the movement of live-stock thereunder."

Have had the same under consideration, and I am instructed to report same back to the House with the recommendation that it do pass.

TURNEY, Chairman.

Senator Turney moved to suspend the regular order of business, to take up

House bill No. 104, a bill to be entitled "An act to amend article 5043k of the Revised Statutes of 1895, relating to the Live Stock Sanitary Commission and the movement of live-stock thereunder."

Carried.

Senator Turney then moved that the rule requiring bills to be printed be suspended as to said bill.

Carried.

On motion of Mr. Turney, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its second reading by the following vote:

Yeas—21.

Bailey.	Morriss.
Burns.	Neal.
Colquitt.	Rogers.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Wharton.	

Nays—none.

Absent.

Beall.	Bowser.
Boren.	Yett.

Excused.

Atlee.	Presler.
Greer.	Ross.
Linn of Victoria.	Yantis.

Bill read second time and passed to its third reading.

On motion of Senator Turney, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Morriss.
Burns.	Neal.
Colquitt.	Rogers.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Wharton.	

Nays—none.

Absent.

Beall.	Bowser.
Boren.	Yett.

Excused.

Atlee.	Presler.
Greer.	Ross.
Linn of Victoria.	Yantis.

The bill was then read third time, and passed by the following vote:

Yeas—21.

Bailey.	Morriss.
Burns.	Neal.
Colquitt.	Rogers.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Wharton.	

Nays—none.

Absent.

Beall.	Bowser.
Boren.	Yett.

Excused.

Atlee.	Presler.
Greer.	Ross.
Linn of Victoria.	Yantis.

The Chair laid before the Senate Senate bill No. 24, a bill to be entitled "An act to validate certain illegal sales of public school, university, and asylum lands, sold under section 22, chapter 99, of the laws of 1887, and the amendments thereto, sold as isolated and detached lands, which were not in fact isolated and detached."

Bill read second time, and

On motion of Senator Colquitt, made special order for to-morrow (Wednesday) after morning call.

The Chair laid before the Senate

Senate bill No. 32, a bill to be entitled "An act to amend chapter 4, title 7, of the Code of Criminal Procedure, by adding thereto article 524a, providing for the issuance of attachments for witnesses residing in the county

of the prosecution, when such witness is about to remove therefrom."

Bill read second time and ordered engrossed.

The following privileged committee report was made:

Committee Room,
Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 31, a bill to be entitled "An act to amend article 838 of chapter 6, title 17, of the Penal Code of the State of Texas, defining the crime of burglary,"

And find the same correctly engrossed.

GOUGH, Chairman.

The Chair laid before the Senate on third reading

Senate bill No. 31, being "An act to amend article 838, chapter 6, title 17, of the Penal Code of the State of Texas, defining burglary."

Bill read third time and passed.

The Chair laid before the Senate on its second reading

Senate bill No. 36, a bill to be entitled "An act to amend article 723 of the Code of Criminal Procedure in the State of Texas."

Bill read second time, and

On motion of Senator Linn of Wharton, made special order for Thursday after Senate bill No. 14.

(Senator Bailey in the chair.)

The Chair laid before the Senate

Senate bill No. 39, a bill to be entitled "An act to amend article 353, and repeal articles 354, 355, 356, 357 and 358, title 10, chapter 3, of the Penal Code of the State of Texas, in regard to adultery and fornication,"

Bill read second time with the following committee amendment:

"Amend by striking out the word 'fifty' in the penalty clause, and inserting in lieu thereof 'twenty-five.'"

Committee amendment adopted.

By Senator Gough:

Amend by striking out the word "habitual" in line 15.

On motion of Senator Burns, the amendment was laid on the table.

The bill was then ordered engrossed.

The Chair laid before the Senate

Senate bill No. 43, a bill to be entitled "An act to amend article 672, title 8, chapter 3, of the Code of Criminal Procedure of the Revised Statutes of the State of Texas of 1895."

Bill read second time with the following committee amendment:

"Amend by striking out the word 'ten' and insert 'fifteen,' and by striking out the word 'six,' and insert 'eight.'

Committee amendment adopted.

Pending action,

On motion of Senator Goss, the Senate adjourned until to-morrow at 10 a. m.

THIRTEENTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, Jan. 27.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Bailey.	Linn of Wharton.
Boren.	Morris.
Burns.	Neal.
Colquitt.	Rogers.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.

Absent.

Beall.	Presler.
Bowser.	Yett.

Excused.

Atlee.	Ross.
Greer.	Yantis.
Linn of Victoria.	

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Morris,

Senator Yett was excused from attendance on the Senate for Tuesday and Wednesday on account of sickness.

On motion of Senator Stone,

Senator Boren was excused for Tuesday, on account of sickness.

On motion of Senator Gough,

Senator Bowser was excused for Tuesday, Wednesday and Thursday on account of important business.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 26, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 39, "An act to amend article 353, and repeal articles 354, 355, 356, 357, 358, of title X, chapter 3, of the Penal Code of the State of Texas, in regard to adultery and fornication."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 32, "An act to amend chapter 4, title 7, of the Code of Criminal Procedure of the State of Texas, by adding thereto article 524a, providing for the issuance of attachments for witnesses residing in the county of the prosecution when such witness is about to remove therefrom."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 15, "An act to amend article 2601, chapter 6, title 51, Revised Civil Statutes of the State of Texas, relating to bonds of guardians and sureties thereon."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 1, a bill to be entitled "An act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways for injuries to their servants and employes, and to prohibit contracts between employer and employe,